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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,221	02/20/2004	Joel Hanson	09710-1228	7408

7590 01/12/2006

WorldCom, Inc.  
Technology Law Department  
1133 19th Street, NW  
Washington, DC 20036

EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,221	HANSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stella L. Woo	2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-13 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13 and 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Newly submitted claims 20-23 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claims 20-23 recite a method for establishing a voice communication session comprising steps which are not recited in the method of original independent claims 1, 7 or 14.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20-23 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8-13, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogard (US 6,757,365) in view of Goodspeed (US 2002/0065828).

Regarding claims 1 and 18, Bogard discloses a method for establishing communications between a calling party using a telephone connection (caller at telephone 300 or 301; col. 5, lines 32-41) and a called party using an instant messaging

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client (called party at computer 302 with an instant messaging service; col. 5, lines 55-67), comprising:

receiving a telephone call connection request from the calling party (telephone caller requests a voice connection via voice portal 310; col. 8, lines 25-33); and

establishing end-to-end voice communications between the telephone connection and the instant messaging client (computer user selects to establish the IM voice protocol session with the telephone caller; col. 8, lines 33-44).

Bogard differs from claims 1 and 18 in that it does not teach using a telephone number to retrieve an instant messaging identifier. However, Goodspeed teaches the desirability of using a recipient's telephone number for instant message communication via a cross-referenced list of all handles belonging to the recipient (paragraphs 9, 57, 60) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of the recipient's telephone number, as taught by Goodspeed, for selecting the IM user in Bogard so that the calling party can more easily identify the selected IM user by using the recipient's telephone number.

Regarding claims 2-5, in Bogard, the user's instant messaging client supports voice communication with a voice telephone caller by translating between telephone audio and IM voice protocol format (col. 8, lines 33-44).

Regarding claim 6, in Bogard, a telephone caller requests a telephone connection with a logged in IM user (col. 8, lines 1-33).

Regarding claim 8, in Bogard, a user profile can include privacy settings, limits to callers from a buddy list, etc. (col. 11, lines 12-18; col. 12, lines 1-23).

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Regarding claim 9, in Bogard, user's profile information indicates when a user's IM software can support voice communications (col. 8, lines 45-57).

Regarding claim 10, in Bogard, IM server 308 also determines if the user is currently online and able to receive the voice communication (col. 7, line 47 – col. 8, line 44).

Regarding claim 11, in Bogard, IM server 308 determines the called party's response to a prompt asking whether or not he/she wishes to accept the incoming call (col. 8, lines 29-44).

Regarding claim 12, in Bogard, the end-to-end voice communication is established via telephony gateway 307 and voice portal 310 (Figure 3).

Regarding claim 13, in Bogard, telephony gateway 307 interfaces between telephone network 304 and Internet 306 (Figure 3).

Regarding claim 16, in Goodspeed, the user profile includes schedule information so that a call is automatically sent to a particular address according to the time of day (paragraphs 337, 340).

Regarding claims 17 and 19, in Goodspeed, a telephone number is associated with a cross reference list of all handles belonging to the same owner, such as e-mail addresses, instant messaging addresses, pager number, PDA/PCD network identification, etc. (paragraphs 57 and 340).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6, 8-13, 16-19 have been considered but are moot in view of the new ground of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

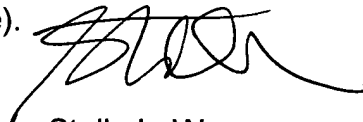
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Stella L. Woo', with a stylized, flowing script.

Stella L. Woo  
Primary Examiner  
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